**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE SIDE**

CIVIL APPLICATION NO. 4820 OF 2003
IN
FIRST APPEAL NO. 174 OF 2003

Shri. Manilal Vahana @ Manilal Dajibhai Patel ... Applicant

Vs.

Smt. Chamardiben Mohanbhai Patel and anr. ... Respondents

Mr. Harshad Palwe for Applicant.

Ms. Teja Katdare for Respondent Nos. 1 and 2.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : AUGUST 30, 2004

P.C. :

1. This is an application for interim relief during the pendency of the appeal. The appeal was admitted on 15.12.2003. On behalf of the Respondent, learned counsel submits that interim relief granted should be vacated. Amongst other relief stay is for recovery of possession which has been decreed. Considering that, in our opinion, status quo will have to be maintained. In the result, application made absolute in terms of

Prayer Clause (a) subject to the condition that the appellants during the pendency; of the appeal will not transfer, alienate or create any third party rights in respect of the subject matter of the present appeal. Application stands disposed of accordingly.

2. Personal Secretary to issue authenticated copy of this order.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)